

CHARGES RESULT OF BIASED BRAIN

Attorneys for Judge Archibald Attempt to Show He Is Innocent Victim.

QUESTIONS ARE RULED OUT

Worthington, of Defense, Says He Will Call Boland as His Own Witness.

Washington, December 11.—Efforts to show that the charges against Judge Robert W. Archibald, of the Commerce Court, is standing trial before the Senate, sitting on a court of impeachment, are the outgrowth of a "biased and disordered brain," according to the testimony of William P. Boland, of Pennsylvania, Pa. Senator Bacon, presiding, ruled that these efforts were not in order during cross-examination. Attorney Worthington, representing Judge Archibald, declared he would call Boland as his own witness.

How Judge Archibald asked officials of the Delaware, Lackawanna and Western Railroad Company to confer with George H. Watson, a Senatorial attorney, representing William P. Boland and C. G. Boland, of the Marston Coal Company, with a view to the settlement of the Boland claims against the road, was the subject of the examination of President W. P. Truesdale, General Counsel W. B. Jenney, Vice-President E. E. Phillips, John L. Seager and E. M. Rice, all of this railroad. The charges are that Judge Archibald agreed, for a consideration, to assist Watson to get the settlement.

Mr. Loomis testified that Judge Archibald asked him to confer with Watson, express-ly reached. The later called upon him to learn the facts of the negotiation, he said. Mr. Seager told of a conference he attended on the matter.

Wasn't the conference arranged by reason of Judge Archibald's request? asked Representative Floyd, one of the House managers. "I presume so, but Mr. Watson also asked for a conference," was the reply.

Mr. Phillips told of being invited to Judge Archibald's house to talk about the possibility of a settlement. The railroad officials testified that Judge Archibald wanted to give that much. The negotiations failed. The charge that Judge Archibald was guilty of misbehavior in office in writing Helm Bruce, an attorney in the New Orleans-Montgomery case, when it was before the Commerce Court, was the subject of a short examination of Mr. Bruce.

URGES MAYOR TO VETO FRANCHISE

(Continued From First Page.)

live, not executive, in that he sits as a third house of the city's legislature, and it is therefore his duty to determine whether proposed laws are necessary and expedient and whether they are so drafted as to accomplish their purpose.

On the general proposition that the pending franchise was unwise and inexpedient legislation, Mr. Anderson repeated his former argument holding that competition was the accepted method of regulating trade in private industry, but that at least it was an expensive form of regulation. In all matters subject to governmental control, such competition was unnecessary.



The Finest Garment for all year, all 'round wear is the Raincoats

Imported and domestic GABARDINES, English Tweeds, Scotch Cheviots and Irish Homespun, Cravenettes and dozens of others.

Kirk-Parrish Co., 627 E. Broad St. (Near 7th).

and not for the best interests of the community.

Duplication and Waste.

Mr. Anderson approved of reserving the right to grant competing franchises, so that if regulation failed, or the existing company failed to meet the situation, the community could protect itself by calling in some other company. Competition necessarily meant a surplus capital investment and double charge on the community. With rates lower than the average and service adequate, Mr. Anderson pointed out that a competing franchise meant the duplication of the existing nine miles of conduits in the streets, and of 180 miles of poles and wires, giving the people in return for such inconvenience nothing that they are not getting to-day—adequate service at reasonable rates. He told of cities, the streets in which were honeycombed with lines not now in use, the cost of which has been consolidated into a joint capital on which the community is paying interest in advanced rates.

Will Be Subject to Litigation.

In regard to the legality, Mr. Anderson said that if granted the franchise would most probably be the subject of litigation. Addressing his remarks partly to city Attorney Pollard for a rehearsal on his opinion that the ordinance is valid, Mr. Anderson quoted the opinion to show that the City Attorney had "grave doubts," and that the ordinance was not in the "best form."

"There is not a board of directors in this country," he told the Mayor, "which would approve a contract allowing the use of its property for fifteen years

when its general counsel said it was not in the best form."

Bidders Not on Equality.

The franchise, he contended, did not put all bidders on an equality, since it delegates all questions of route and extent to the Committee on Streets. It does not provide a contract so clear as to be enforceable by mandamus; it makes no provision for the maintenance of adequate service at reasonable rates throughout the term of the grant; nor does it require the maintenance of the property.

Claiming that the bid was inadequate for the rights granted, Mr. Anderson asserted that the Henrico Company proposed now to operate an electric plant to make up its deficit of \$118,000 on its railroad. Quoting from reports to the Corporation Commission, he asked the Mayor whether he was prepared to sign the statement that a company which was practically insolvent on its own sworn statement, was better prepared to give service to the community than some other bidder.

Not Valid, Says Judge Christian.

Judge Christian, representing Arthur Lipper & Co., rose to correct a statement made on the floor of the Board of Aldermen, saying that he had never given an opinion that the ordinance in question was valid.

"I said," he continued, "that whether it was valid or not, my clients had bid with their eyes open, and with full knowledge of its contents. They bid on the ordinance before they asked my advice as to its validity, and are prepared to stand by their bid."

Would you mind, asked Mayor Ainslie, telling us what your opinion of the validity of the ordinance is?

"I advised my clients," answered Judge Christian, "that I had grave doubts of its validity. Later I came to the opinion that the ordinance was invalid, but I advised my clients that in my view they were estopped from pleading that because of their bid. My people are willing to take their chances on the opinion of the City Attorney, and I will help them to sustain its validity as far as I can."

Puts in Last Bid.

"On the night that bids were received one of the firm of Arthur Lipper & Co. was present with money for bids in packages of \$5,000 each. The only reason we did not increase our bid was because our only opponent, the Richmond and Henrico Company, bid only \$10, and it seemed absurd to bid against ourselves when we were already 500 times the highest bidder. We expected to go very much higher than we did go."

"The award of this contract to the lowest bidder for the reasons set forth is an outrage on the right of my clients. Is it any reason because they are operating a street car line at a loss of \$118,000 a year, which, in the opinion of many well-informed people, will always be a losing venture, that the city of Richmond should couple this franchise with that of a corporation on its own showing already running heavily in debt. My clients are under no such handicap, and I have shown that they are financially able to carry out their undertakings. I haven't thought it proper to go around button-holing Councilmen for my clients, but I do feel that we have been unfairly treated when we bid in perfectly good faith and have shown our ability to carry out any agreement we may enter into. I have a telegram from Arthur Lipper & Co., confirmed by a letter, authorizing me, if the franchise is re-advertised, to increase their bid by \$25,000, or, in other words, to offer the city \$30,000 for the rights it is proposed to give to a company already losing money heavily at its nominal bid of \$10."

Discusses Veto Power.

A recess was taken until 8 o'clock, when Mr. Kelley opened for the Henrico Company. He considered the veto power of the Mayor as intended chiefly to check hasty, corrupt or ill-considered action. There was no intimation of corruption in this case; the argument had been carried on for a year, with the fullest publicity, and two Councils have passed on the issue, declaring for competition in public service, and he believed that a majority of the people of the city were for the granting of the franchise to his company. Mayor Ainslie asked a number of questions bringing from Mr. Kelley a statement of his view that the franchise required the compliance with such additional ordinances as might from time to time be passed by the Council requiring extensions, and that the contesting of the validity of such orders of the Council would have the effect of forfeiting the franchise.

Not a single member of either branch had favored the \$5,000 bid of Arthur Lipper & Company, he said, and he considered it a little singular that they should have come in with an upset bid at the last moment.

Judge Christian's clients, he said, could not afford to come in after the right had been made and even at their revised bid of \$30,000 take the franchise and sell it out at a profit. The policy of competition he claimed had been settled by the old Council when it advertised the grant; the question of legality, although questioned by Judge Christian and Mr. Anderson, he thought amply covered by the opinion of the city attorney, leaving all that he conceived to be before the Mayor to determine whether the due processes of law had been complied with, and whether the Council was justified in accepting the lower rather than the higher bid.

"Except for speculative purposes," continued Mr. Kelley, "I don't believe that anybody except ourselves would have this franchise at any price."

Meredith Defends Franchise.

Mr. Meredith told of the long continued publicity given to the franchise. Were there some great moral wrong he would expect the Mayor to stand up against the whole community, but where two successive Councils had expressed themselves on a mere matter of establishment of a business enterprise in the community, he thought the Mayor's duty to be clearly to acquiesce in the will of the people's representatives. Accepting Mr. Anderson's contention that a regulated monopoly was better than competition in public service corporations, he contended that there is no power regulation in Virginia of light and power companies, the Corporation Commission having ruled that it had no power over the rates of transmission companies. The Council, he held, was in the exercise of a reasonable discretion when it accepted a \$10 bid rather than a \$5,000 bid. A reversal of such reasonable discretion, where there had been no manifest wrong, such as bribery and no haste or lack of publicity, he considered hardly a proper subject for exercise of the veto power.

Mr. Anderson closed the argument briefly summing up the case from his standpoint, urging the Mayor not to approve an ordinance fundamentally unsound in principle, improperly and loosely drawn, and of more than doubtful legality, selling for \$10 rights, which are admittedly worth \$30,000, and probably much more, and which will certainly, if granted, be capitalized at not less than \$500,000.

Mayor Ainslie indicated that it would be several days before he reached a final decision.

Arguments Are Deferred.

[Special to The Times-Dispatch.] Alexandria, Va., December 11.—Following a conference this afternoon between Judge J. C. Barley, of the Corporation Court, At-

"Colonial Virginia"

Only 98 Cents

Postpaid to Any Address

This beautiful \$2.00 edition of a rarely delightful book offers the solution of Christmas difficulties.

You can help to spread the fame of our great State by sending a copy to friends everywhere.

The appearance of this delightful book insures its welcome. Handsomely bound in blue and silver, admirably illustrated in color and engravings, attractively printed. It is a pleasure merely to handle this pretty volume. To read it is a joy and a benefit.

A \$2.00 Book Offered by The Times-Dispatch for 98c,

Postage Paid

"Colonial Virginia" will be mailed from The Times-Dispatch office to any address, to arrive Christmas if you so desire.

An artistically engraved Christmas card will be enclosed stating "Colonial Virginia" is sent at the direction of the purchaser.

Brighten your friend's Christmas by sending a copy of "Colonial Virginia," or take the book home for the good cheer and pleasure of your own household.

ORDER COUPON.

Enclosed find 98 cents. Kindly send "Colonial Virginia," postage prepaid, to—

Name.....

Address.....

Signed.....

Detectives and Doctors

Work along similar lines. One seeks the thief who steals money or valuables; the other is after the thing that steals health.

Every doctor knows that the insidious, subtle drug, *caffeine*, in coffee and tea "gets away" with valuables that money cannot buy—clear brain, steady nerves, regular heart-action, sound sleep, etc.

That is why they often advise patients to quit coffee and tea.

For more than 17 years

POSTUM

has been helping doctors put "coffee wrecks" on their feet.

Made of clean, hard wheat. Postum is a true food-drink. It contains no *caffeine* or other harmful substance; but does contain the Phosphate of Potash (grown in the wheat) required by Nature in rebuilding brain and nerve cells.

And now comes the new

INSTANT POSTUM

Made in the Cup

No boiling required

Some say it has improved flavour, but it is regular Postum in concentrated form—nothing added.

Simply put a level teaspoonful (more or less for strength desired) in a cup of hot water. Stir until dissolved; then add sugar to taste and enough cream to bring the color to golden brown.

A fascinating beverage is ready instantly.

Instant Postum is sold by grocers. 50-cup tin 30c. 100-cup tin 50c.—Or 5-cup trial tin mailed for grocer's name and 2c stamp.

Regular Postum (must be boiled 15 to 20 minutes) 15 and 25c pkgs.

"There's a Reason" for POSTUM

Postum Cereal Co., Ltd., Pure Food Factories, Battle Creek, Mich.

CHARGES NOT UPHELD

Police Board Retains Services of Tate, Palmer and Lange.

The charges of physical disability preferred against Police Officers E. C. Tate, W. H. Palmer and J. J. Lange were dismissed yesterday afternoon by the Board of Police Commissioners at a meeting held in the office of the Chief of Police at 5 o'clock. In addition Bicycle Officer Palmer was detailed temporarily as chauffeur for the new automobile which has been purchased for Police Headquarters.

From a score of applicants who presented themselves for examination the board chose G. L. Cash chauffeur for the automobile patrol of the First Police Station to succeed W. F. Graves, who resigned. About seventy-five couples participated in the dancing on the floor, Mr. and Mrs. E. C. Pelouse led the grand march. The members of Acra Temple were the special guests of the evening.

Officer J. T. Webster, charged with failing to report through his signal box at the proper time, was fined \$10 and reprimanded.

CHRISTMAS GERMAN

Samis Grotto, Vailed Prophets, Entertained at Samis Temple Last Night.

Samis Grotto, of the Mystic Order of Vailed Prophets, entertained with a Christmas German last night at Samis Temple, Belvidere and Main streets. About seventy-five couples participated in the dancing on the floor, Mr. and Mrs. E. C. Pelouse led the grand march. The members of Acra Temple were the special guests of the evening.

The German was under the immediate direction of an inner guard of thirty members, which constitutes a branch of the grotto. Captain Drury W. Bowles, of the guard, acted as chairman of the committee of arrangements.

The dance last night was the first of a series of social events which will be given from time to time by the organization, which is the only Masonic order having such social features. Up to this time the grotto has never given dances, but other grottoes over the country have been following the plan with notable success, and this fact led the local members to institute the innovation.

Samis Temple was decorated prettily for the occasion last night. The grotto effect was carried out by means of electric lights, arranged at one end of the hall. The mysteries of the order were symbolized by various methods. Kenneth's orchestra furnished music for the occasion. A late supper closed the event.

TAFT APPOINTEES MAY GET THROUGH

(Continued From First Page.)

and Schedule L, silk and silk goods—Monday, January 13.

Schedule E, sugar and manufacturers, and Schedule H, spirits, wines and other beverages—Wednesday, January 15.

Schedule F, tobacco and manufacturers, and Schedule M, pulp paper and books—Friday, January 17.

Schedule G, agricultural products and provisions, Monday, January 20.

Schedule I, cotton manufacturers, Wednesday, January 22.

Schedule J, flax, hemp and jute manufacturers, Friday, January 24.

Schedule K, wool and manufacturers, Monday, January 27.

Schedule N, sundries, Wednesday, January 29.

Free list, administrative features and miscellaneous, Friday, January 31.

The committee will conduct the hearings in the hearing hall, in the House Office Building. There will be two ses-

sions daily, beginning at 10 A. M. and 2 P. M., until otherwise ordered.

The action of the Ways and Means Committee was unanimous, the Republicans present voting with the Democrats in opposing or favoring tariff revision.

There was no agreement on the form of the revision legislation proposed.

Would Stop Price-Cutting.

Washington, December 11.—Price-cutting by monopolies or combinations in one locality to drive competitors out of business is to be immediately considered by the Senate Committee on Interstate Commerce.

Several antitrust bills now before the Senate contain provisions similar to that embodied in a new measure introduced yesterday by Senator Clapp.

He will urge that other features of antitrust legislation be temporarily laid aside and that the committee concentrate its efforts on a single plan to prevent interstate corporations from selling goods in one locality at a different price than in another, except in so far as freight rates influence the price.

The Holiday Recess.

Washington, December 11.—An understanding for a recess of Congress for the Christmas holidays from December 13 until January 2 was reached to-day between Senate and House leaders.

The House later adopted a resolution to that effect.



Start the Day Warm With a

PERFECTION SMOKELESS OIL HEATER

SLEEPING with the windows open is a "first aid" to health and beauty. But it makes getting up in the morning a chilly ordeal.

With a Perfection Smokeless Oil Heater you dress in comfort on the coldest day.

A touch of a match, and the Perfection is aglow in a minute. Later, you can carry it to any other room, and breakfast, read or sew in comfort.

In fact, a Perfection Heater is just as good as a fire, and much cleaner and more convenient.

It is a handsome heater, too. Ask your dealer to show you a Perfection, or write for descriptive catalogue.

STANDARD OIL COMPANY

(Incorporated in New Jersey)
Newark, N. J. Baltimore, Md.

Holiday Happiness

Is hastened by a visit to us and the looking over our attractive Christmas stock.

Every one expects to be happy during Christmas week, but we have made shopping such an easy matter that the glad feeling comes ahead of time, even while you are purchasing the gifts that on Christmas morning will delight some friend or relative—gifts bought from the varied supply we have provided to MAKE YOUR SHOPPING EASY.

We make a specialty of Engraving of all kinds.

The Virginia Stationery Co.

The Richmond Home of Waterman's Ideal Fountain Pens,
915 East Main Street, Richmond, Va.

Ask to see our line of Individual Christmas Cards.